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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/606,937 | 06/27/2003 | Jurgen Lindigkeit | 402692/HOEGER | 4440 |

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| EXAMINER |
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JENKINS, DANIEL J

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| ART UNIT | PAPER NUMBER |
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1742

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,937

Applicant(s)

LINDIGKEIT, JURGEN

Examiner

Daniel J. Jenkins

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on or about 7/12/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The Examiner acknowledges that not all pending claims were addressed in the Rejection of 7/6/05. A new rejection correcting this Action is made at this time.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prasad US Pat. 4,459,263 (Prasad '263) in view of Prasad et al. US 2002/0004018 (Prasad et al.) and DE 4123606 (DE'606)

Prasad '263 discloses at col. 2, lines 56-68 the invention substantially as claimed.

Prasad '263 discloses a cobalt alloy comprising:

20-30% Cr;

0-6.5 % Mo;

0-15% W;

0-1.5% Mn; and

remainder Co.

Prasad '263 is silent as to Si and Ta additions, and the amount of impurities including nitrogen.

Prasad et al. teaches to add Si and Ta to Co alloys in the same field of endeavor to improve the corrosion resistance, to lower melting temperature and to strengthen the alloy.

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Both Prasad '263 and Prasad et al. disclose compositional ranges that overlap those as claimed by Applicant establishing a prima facie case of obviousness. Prasad '263 further discloses at Table 2, composition 6, wherein the amount of W is 10% and the amount of Mo is 2%.

It would have been obvious to one having ordinary skill in the art to add Ta and Si as taught by Prasad et al. to the invention of Prasad '263 in order to improve corrosion resistance, lower melting temperature and to strengthen the alloy.

DE'606 teaches to add N in an amount above 0.15% in the same field of endeavor for the purpose of improving the repeated heating without deterioration of the alloy.

It would have been obvious to one having ordinary skill to add N in an amount of above 0.15% in order to improve the repeated heating without deterioration of the alloy.

It would be obvious to minimize the amount of impurities to less than 0.1% as known in the art to improve the performance of the alloy.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prasad US Pat. 4,459,263 (Prasad '263) in view of Prasad et al. US 2002/0004018

(Prasad et al.) and DE 4123606 (DE'606), and further in view of Ingersoll et al.

Prasad '263 in view of Prasad et al. and De'606 disclose the invention substantially as claimed (see paragraph 3 above).

However, Prasad '263 in view of Prasad et al. and De'606 do not disclose casting methods for forming the alloy into veneers and crowns.

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Ingersoll et al. teaches that dental alloys can be cast in the same field of invention for the purpose of forming crowns and veneers.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use a casting technique as taught by Ingersoll et al. in the invention of Prasad '263 in view of Prasad et al. and De'606 in order to form veneers and crowns.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Jenkins whose telephone number is 571-272-1242. The examiner can normally be reached on M-TH6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-272-1242. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel J. Jenkins
Primary Examiner
Art Unit 1742

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